

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR.

ORDER

Smt. Vijay Laxmi.

Versus

Om Prakash & Anr.

S.B. Criminal Misc. Petition No. 632/2005
against the order dated 2-4-2005 passed
by the Judge, Family Court, Jodhpur, in
Criminal Case No. 90/2004.

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Date of Order:

September 04, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

None present for the petitioner.

Mr. Ashok Upadhyaya, Public Prosecutor for the State.

None present for the non-petitioner No.2.

BY THE COURT:

No one appears for the parties.

This criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter) is directed against the order dated 2-4-2006 passed by the Judge, Family Court, Jodhpur in Criminal Case No. 90/2004, whereby the Family Court, on an application filed by the petitioner, granted monthly allowance of interim maintenance @ Rs.1500/- during pendency of the main application filed by the petitioner under Section 125 of the Code.

I have carefully gone through the order impugned.

The petitioner seeks enhancement of monthly allowance of interim maintenance on the ground that she has a handicapped son. From the perusal of the order impugned, it is clear that not only the non-petitioner but the mother of the child, through whom he has filed the petition, is also an earning lady. In view of the decision of the Hon'ble Supreme Court in Padmja Sharma Vs. Ratan Lal Sharma, AIR 2000 SC 1398, the mother of the child is also equally liable to maintain her son in equal proportion. In this view of the matter, no case for interference in the inherent jurisdiction is made out.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs